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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,111	05/24/2001	Ion Leon Batachia	22097-007	3045

35437 7590 03/28/2005

MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
666 THIRD AVENUE
NEW YORK, NY 10017

EXAMINER

HOLMES, MICHAEL B

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,111

Applicant(s)

BATACHIA ET AL.

Examiner

Michael B. Holmes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2182005</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Office Action</u> . |



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Examiner's Detailed Office Action

1. This office action is responsive to communication received on February 18, 2005.
2. Claims 1-18 have been canceled.
3. Claims 19-34 have been added and examined.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

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Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 19-20, 22-25, 27-28, & 30-33 are rejected under 35 U.S.C. 102(e) as being anticipated by *Bigus et al.* (USPN 6,401,080 B1).

Regarding claims 19, 24, 27, & 32. *Bigus et al.* describes a method for enhancing negotiations (*see* Abstract) for telecommunication services for a party using an interface [*see* Fig. 1 & Fig. 2; C 5, L 32-63 *Examiner interprets this as the transmission and reception of information of any type, including data, television pictures, sound, and facsimiles, employing electrical or optical signals sent over wires or fibers or through the air*] comprising: providing a negotiation engine [*see* Fig. 4, item 102] for negotiating telecommunication services between a party and a telecommunications provider; [*see* Fig. 1; Fig. 2; C 6, L 12-31 & Fig. 4; C 7, L 15-31]; providing an intelligent agent for negotiating, on behalf of the party, telecommunication services of the telecommunications provider; [*see* Fig. 1; Fig. 2; C 6, L 12-31 & Fig. 4; C 7, L 15-31]; and providing an interface having one or more editable fields corresponding to telecommunication service parameters for the negotiation; [*see* Fig. 3; C 6, L 32 to C 7, L 14 & Fig. 4, item 108, C 7, L 16-31, *Examiner's note: Fig. 3, item 15, shows an external network or interface, e.g., Fig. 1. of which, shows workstations that can be employed as a human interface. Fig 4, shows a library component hosting libraries or databases the information utilized by knowledge components and an optional view which also can be employed as a human interface for supplying instruction to the agent. Examiner interprets the act of accessing the agent through the network interfaces to be the same as editing fields or customizing*

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the applications for purpose of carrying out negotiations.]; notifying the party of a successful negotiation result; [see C 3, L 49 to C 4, L 23]; and the telecommunications company receiving an acceptance of the negotiation result by the party [see C 3, L 49 to C 4, L 23].

Regarding claims 20, 25, 28, & 33. *Bigus et al.* describes the interface is provided for either or both of the party and the telecommunications provider [see Fig. 1 & Fig. 2; C 5, L 32-63].

Regarding claims 22 & 30. *Bigus et al.* describes notifying the party of a successful negotiation result [see C 3, L 49 to C 4, L 23].

Regarding claims 23 & 31. *Bigus et al.* describes the telecommunications company receiving an acceptance of the negotiation result by the party [see C 3, L 49 to C 4, L 23].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 21, 26, 29 & 34 are rejected under 35 U.S.C. 103(a) as being unpatentable *Bigus et al.* (USPN 6,401,080 B1) further in view of *Teitelbaum* (USPN 5,872,834).

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The *Bigus et al.* reference has been discussed above and does not explicitly teach the limitations embodied in claims 21, 26, 29 & 34. However, *Teitelbaum* describes the limitations embodied in claims 21, 26, 29 & 34.

Regarding claims 21, 26, 29 & 34. 21. *Teitelbaum* describes one or more parameters being selected from the group consisting of: a maximum cost of airtime for a predefined unit period, a maximum cost of airtime during a peak airtime period for a predefined unit period, a maximum cost of airtime during an off-peak airtime period for a predefined unit period, *common phone number called* [see C 6, L 56-65], a predetermined airtime reservation, a flat fee for cost of the use of the telecommunication services for a unit period of time during a predetermined airtime reservation, and a maximum cost of roaming. It would have been obvious at the time the invention was made to a persons having ordinary skill in the art to combine *Bigus et al.* with *Teitelbaum* because a current trend in telephone technologies is to extend customer features and access to those features in a fashion that allows for control, billing, and transparency [see C 1, L 45-47].

Correspondence Information

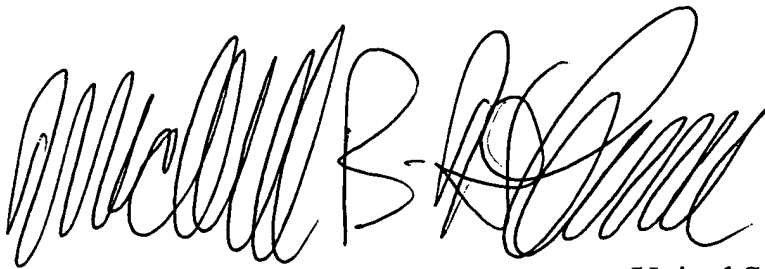
9. Any inquires concerning this communication or earlier communications from the examiner should be directed to Michael B. Holmes, who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-3686 or facsimile transmission (571) 273-3686 or email Michael.holmesb@uspto.gov.

If you need to send an Official facsimile transmission, please send it to (703) 746-7239.

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If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, Anthony Knight, may be reached at (571) 272-3687.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

A handwritten signature in black ink, appearing to read 'Michael B. Holmes', written in a cursive style.

Michael B. Holmes

Patent Examiner
Artificial Intelligence
Art Unit 2121

United States Department of Commerce
Patent & Trademark Office

Monday, March 21, 2005

MBH